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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,053	08/16/2006	Victor Evgenievich Zhitomirskiy	051862/313418	9605
826	7590	08/10/2009	EXAMINER	
ALSTON & BIRD LLP			LEDYNH, BOT L	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28280-4000			2858	
			MAIL DATE	DELIVERY MODE
			08/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10598053	8/16/06	ZHITOMIRSKIY, VICTOR EVGENIEVICH	051862/313418

EXAMINER

Bot L. LeDynh

ART UNIT	PAPER
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2858 20090806

DATE MAILED:

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Commissioner for Patents

1. Applicant's election of species I in the reply filed on 05/07/09 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. In the Election Requirement dated 04/07/09, the Examiner stated that "Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention." In the reply filed on 05/07/09, Applicant indicated "at least Claim 19 reads on the elected species." Because of the term "at least," the phrase "at least Claim 19 reads on the elected species" does not fulfill the requirement "identification of the claims encompassing the elected invention." Applicant should have included all the claims encompassing the elected species.
3. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Bot LeDynh/
Bot L LeDynh
Primary Examiner
Art Unit: 2858